

STATE OF OREGON
Marion County Circuit Courts
MAY 05 2009
ENTERED

STATE OF OREGON
Marion County Circuit Courts
MAY 05 2009
FILED

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MARION

EVANGELINA MENDEZ,

v.

Plaintiff,

MANAGEMENT GROUP OREGON, INC.
an Oregon Corporation; ERNST
PROPERTIES, L.L.C., A Domestic
Limited Liability Corporation;
and CHARLES A. SIDES,
Individually,

Defendants.

CASE NO. 09C14886

COMPLAINT

(Action at law for
Bodily Injury)

(Subject to Mandatory
Arbitration)

In support of her cause of action against Defendants,
Plaintiff alleges:

1.

At all times herein alleged, Defendant Management Group
Oregon, Inc. (hereinafter Management) was and now is a Oregon
corporation licensed to do business in the state of Oregon.

2.

At all times herein alleged, Defendant Ernst Properties,
L.L.C. (hereinafter Ernst) was and now is a Domestic Limited
Liability Corporation licensed to do business in the state of
Oregon.

3.

At all times herein alleged, Defendant, Charles A.
Sides (hereinafter Sides), was the owner of the real property

1 located at 2850 Broadway St., N.E., Salem, Marion County
2 Oregon

3 4.

4 At all times herein alleged, Defendants, and each of
5 them, managed and controlled the real property located at
6 2850 Broadway Street, N.E., Salem, Marion County, Oregon;
7 and at all times herein alleged, Defendants, and each of
8 them, leased the real property located at 2850 Broadway
9 Street, N.E., Salem, Marion County, Oregon to the State of
10 Oregon for employee and customer parking.

11 5.

12 On or about May 9, 2007, Plaintiff was employed by the
13 State of Oregon, Department of Human Services, where she
14 worked out of its place of business located at 2850 Broadway
15 Street, N.E., Salem, Marion County, Oregon.

16 6.

17 On or about May 9, 2007, at approximately 12:35 p.m.,
18 Plaintiff exited her place of employment to walk to her car
19 which was in the parking lot at 2850 Broadway Street, N.E.,
20 Salem, Marion County, Oregon. She walked along the sidewalk
21 to the end of the curb and began to ascend across the
22 parking lot. She was looking both ways across the parking
23 lot to avoid being hit by passing traffic when her foot
24 stepped into a shallow hole on the parking lot surface where
25 a safety pole had been but was previously removed leaving an
26 indentation in the parking lot. As she stepped down her foot
27 caught the edge of the hole causing her to stumble forward
28 and fall down hard and fast on her hands and knees, causing

1 injuries and damages to Plaintiff as hereinafter alleged.

2 7.

3 At all times herein alleged, Defendants, and each of
4 them, were negligent as follows:

5 (A) In failing to fill in the hole left by the
6 removal of the safety pole so as to make the area
7 level with the remainder of the parking lot, thus
leaving a dangerous and defective area for
pedestrians to negotiate;

8 (B) In failing to warn Plaintiff and others
9 similarly situated that said hole in the parking
10 lot was unsafe and that the hole existed in the
11 parking lot where a safety barrier pole had been
previously removed when Defendants knew or should
have known that the hole in the parking lot
existed and constituted an unreasonably dangerous
condition to the Plaintiff if not so warned;

12 (C) In failing to place barricades around the hole
13 to prevent Plaintiff and other pedestrians from
14 walking in the area where the hole existed;

15 (D) In failing to place warning signs or cones around
16 the hole in the parking lot to warn Plaintiff and other
17 pedestrians of the hole in the parking lot when
Defendants knew or should have known that the same
constituted unreasonably dangerous conditions to
Plaintiff.

18 8.

19 As a direct and proximate result of the negligence of
20 the Defendants and each of them, Plaintiff suffered a
21 contusion and 2 cm abrasion to her right knee, a lumbar
22 strain, herniated disc at L3-L4 and left shoulder injury;
23 that the foregoing injuries have caused Plaintiff pain,
24 suffering, inconvenience and will continue to cause her
25 pain, suffering and inconvenience in the future, all to her
26 general non-economic damage in the amount of \$30,000.

27 9.

28 It has become necessary for Plaintiff to obtain the

1 services of physicians, medications, hospitals,
2 radiologists, x-rays and that a reasonable sum for said
3 services is in the amount of approximately \$9,000.00.

4 10.

5 That future medical care will be reasonable and
6 necessary in this case and a reasonable sum for said future
7 care is in the amount of \$2,000.00.

8 WHEREFORE, Plaintiff prays for judgment against
9 Defendants and each of them, as follows:

10 (a) \$9,000.00 for her special non-economic damages for
11 reasonable and necessary medical care;

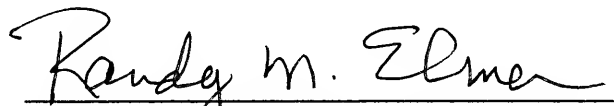
12 (b) \$2,000.00 for her special economic damages for
13 reasonable and necessary future medical care;

14 (c) \$30,000.00 general non-economic damages for her
15 permanent ongoing residuals and pain, suffering and
16 inconvenience;

17 (d) For Plaintiff's costs and disbursements incurred
18 herein.

19 DATED this 5th day of May, 2009

20
21 By:


Randy M. Elmer OSB No. 831920
Of Attorneys for Plaintiff
elmer@krygerlaw.com

22
23
24 TRIAL ATTORNEY
Randy Elmer, OSB #831920
25 KRYGER, ALEXANDER, EGAN, ELMER & CARLSON, PC
335 Miller St. SE
26 Salem, OR 97302
(503) 581-9770
27 (503) 581-3456 Fax

28 **Complaint Page 4**

CONROYD ARBITRATIONS, LLC

Michael F. Conroyd

1515 State Street
Salem, OR 97301

(503) 364-8488
FAX: (503) 588-3495
CELL: (503) 302-5162
Federal Tax ID: 26-3974462

May 27, 2010

ENTERED
JUN 04 2010
Marion County Circuit Court

STATE OF OREGON
MARION COUNTY COURTS

JUN 04 2010

FILED #5

Tina Brown
Arbitration Coordinator
Marion County Courthouse
PO Box 12869
Salem, OR 97309-0869

Re: Mendez v. Sides et al
Marion County Circuit Court Case No. 09C14886

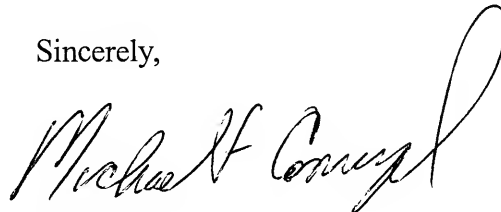
Dear Ms. Brown:

The above-captioned arbitration was heard on Monday, April 26, 2010.

The parties settled the case pursuant to the arbitration award. The attorneys will be sending the dismissal documents directly to the court.

If anything further is needed, please advise.

Sincerely,



Michael F. Conroyd
mconroyd@dunnroylaw.com

MFC:jm
cc: Randy Elmer, AAL
Caroline Kincaid, AAL
Arbs/Mendez v Mgmt Inc – Ltr Arb Coord Re Settled